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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/538,182

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Hiromi Nakase

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P.O. BOX 980

VALLEY FORGE, PA 19482

EXAMINER

BATTAGLIA, MICHAEL V

ART UNIT

PAPER NUMBER

2627

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/538,182	Applicant(s) NAKASE ET AL.	
	Examiner Michael V. Battaglia	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2005.
 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-4 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
 10) ☒ The drawing(s) filed on 09 June 2005 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
3. The disclosure is objected to because of the following informalities: On line 31 of Page 1 and throughout the application, replacing "buttery" with --battery-- is suggested. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Yoshida et al (hereafter Yoshida) (US 7,016,268). Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

In regard to claim 1, Yoshida discloses an optical disc apparatus (Fig. 1), comprising; an optical unit (Fig. 1, element 15) for projecting a laser light to an optical disc (Fig. 1, element 11) and converting a reflection light reflected from said optical disc

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into an electrical signal; signal processing means (Fig. 1, element 20) for processing said electrical signal from said optical unit to have said electrical signal converted into reproduction information required for reproduction; parameter storage means ("memory" of Col. 4, line 4 and Col. 5, line 2) for storing therein a parameter ("time code" and "track number" of Col. 4, line 63-Col. 5, line 3) contained in said reproduction information from said signal processing means (Fig. 2, step S2); reproduction time computing means (portion of CPU (Fig. 1, element 21) that carries out Fig. 2, step S3) for computing a reproduction time based on said parameter stored in said parameter storage means (Col. 5, lines 4-8); and optical disc reproduction means (portion of CPU (Fig. 1, element 21) that carries out Fig. 2, step S13) for determining a reproduction start position based on said parameter stored in said parameter storage means (Fig. 2, step S13).

In regard to claim 2, Yoshida discloses that the apparatus further comprises reproduction time displaying means (Fig. 1, element 23) for displaying said reproduction time based on information on said reproduction time computed by said reproduction time computing means.

In regard to claim 3, Yoshida discloses an optical disc apparatus as set forth in claim 1 (see above), which is mounted on an automotive vehicle (Col. 4, lines 25-32), and in which said reproduction time computing means is operative to read out said parameter stored in said parameter storage means to calculate a reproduction time at the time point when an accessory power supply was turned off and said optical disc reproduction means is operative to determine a reproduction start position substantially at the time point when said accessory power supply was turned off, in the event that said

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accessory power supply was turned off while reproducing said optical disc and then turned on (Fig. 2 and Col. 4, lines 44-48).

5. Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Kikuchi et al (hereafter Kikuchi) (US 6,570,837).

In regard to claim 1, Kikuchi discloses an optical disc apparatus (Fig. 15), comprising; an optical unit (Fig. 15, element 32) for projecting a laser light to an optical disc (Fig. 15, element 10) and converting a reflection light reflected from said optical disc into an electrical signal; signal processing means (Fig. 15, element 36) for processing said electrical signal from said optical unit to have said electrical signal converted into reproduction information required for reproduction; parameter storage means (RAM of Fig. 15, element 30) for storing therein a parameter (Fig. 8, element 116 and note that cell playback information (Fig. 8, element 120 and Fig. 13) is part of element 116) contained in said reproduction information from said signal processing means (Col. 18, lines 31-35); reproduction time computing means (portion of MPU of Fig. 15, element 30 that carries out Fig. 19) for computing a reproduction time based on said parameter stored in said parameter storage means (Fig. 19 and Col. 19, lines 16-52); and optical disc reproduction means (portion of MPU of Fig. 15, element 30 that carries out Fig. 18) for determining a reproduction start position based on said parameter stored in said parameter storage means (Fig. 18 and Col. 18, lines 23-64).

In regard to claim 2, Kikuchi discloses that the apparatus further comprises reproduction time displaying means (Fig. 15, element 48) for displaying said reproduction time based on information on said reproduction time computed by said reproduction time computing means.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over d'Alayer de Costemore d'Arc (hereafter Alayer) (US 4,527,265) in view of Endoh et al (hereafter Endoh) (US 4,916,685).

In regard to claim 1, Alayer discloses an optical disc apparatus (Figs. 1-3 and 5), comprising; an optical unit (Fig. 1, elements 20) for projecting a laser light to an optical disc (Fig. 1, element 11) and converting a reflection light reflected from said optical disc into an electrical signal; signal processing means (Fig. 5, element 90 and "circuits associated [with laser reproduction unit 20]" of Col. 3, lines 25-31) for processing said electrical signal from said optical unit to have said electrical signal converted into reproduction information required for reproduction (the claimed processing an "electrical signal . . . into reproduction information required for reproduction" is required for reproduction and therefore inherent to reproduction and note that, in particular, the claimed "processing" is inherent to the "reading coding" of Col. 3, lines 56-61 (i.e. an electrical signal converted from reflected light must be processed in order to extract coding)); parameter storage means (Fig. 5, element 75a) for storing therein a parameter ("data representing the precise position of the reproduction unit 20" of Col. 3, lines 46-48) contained in said reproduction information from said signal processing means (Col. 3, lines 35-61); and optical disc reproduction means (Fig. 5, element 70) for determining a

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reproduction start position based on said parameter stored in said parameter storage means (Col. 3, lines 53-68). It is noted that said parameter stored in said parameter storage means is a time code in minutes and seconds from the beginning of the optical disc (Col. 3, lines 56-61). Alayer does not disclose a reproduction time computing means for computing a reproduction time based on said parameter stored in said parameter storage means.

Endoh discloses a reproduction time computing means (Fig. 9, element 38) for computing a reproduction time (“remaining time” of Col. 1, line 67) based on a parameter, which is a time code in minutes and seconds from the beginning of the optical disc (Col. 1, lines 20-25 and 51-68). Endoh teaches that by doing so, the remaining time “is conveniently known” (Col. 2, lines 7-8) and indication of the remaining time to a user is enabled (Col. 1, lines 67-68).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made for the apparatus of Alayer to comprise a reproduction time computing means for computing a reproduction time based on the parameter of Alayer as suggested by Endoh, the motivation being use the parameter of Aleyer, which is a time code in minutes and seconds from the beginning of the optical disc stored in the parameter storage means of Alayer, to conveniently determine the remaining time and enable indication of the remaining time to a user.

In regard to claim 3, Alayer in view of Endoh discloses an optical disc apparatus as set forth in claim 1 (see above), which is mounted on an automotive vehicle (Col. 1, lines 7-12 of Alayer), and in which said reproduction time computing means is operative to read out said parameter stored in said parameter storage means to calculate a

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reproduction time at the time point when an accessory power supply was turned off and said optical disc reproduction means is operative to determine a reproduction start position substantially at the time point when said accessory power supply was turned off, in the event that said accessory power supply was turned off while reproducing said optical disc and then turned on (Col. 3, lines 35-52 of Alayer).

In regard to claim 4, Alayer in view of Endoh discloses an optical disc apparatus as set forth in claim 1 (see above), operatively connected to an audio equipment operative to selectively assume a plurality of operation modes (power supply cut off mode and power supply on mode) including an optical disc operation mode (power supply on mode) having said optical disc reproduced, and in which said reproduction time computing means is operative to read out said parameter stored in said parameter storage means to calculate a reproduction time at the time point when said audio equipment switches to an operation mode (power supply cut off mode) other than said optical disc operation mode from said optical disc operation mode and said optical disc production means is operative to determine a reproduction start position substantially at the time point when said audio equipment switches an operation mode other than said optical disc operation mode from said optical disc operation mode, in the event that said audio equipment switches to an operation mode other than said optical disc operation mode from said optical disc operation mode while reproducing said optical disc and then switches to said optical disc operation mode (Col. 3, lines 35-52 of Alayer).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shibasaki et al (US 7,110,755) disclose a car audio apparatus that


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displays a list of MP3 tracks and their play times (Fig. 6). Han et al (US 7,050,376) disclose an optical disc apparatus that displays MP3 total and remaining time (Figs. 8 and 9). Matsumoto et al (US 5,617,383) discloses a parameter storage unit that stores a parameter used in calculating a restart position and displaying time information (Figs. 1 and 8). Misono (US 5,365,502) discloses nonvolatile memory used for holding resume information during an interruption (Fig. 5).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael V. Battaglia whose telephone number is (571) 272-7568. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, A. Wellington can be reached on (571) 272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Michael Battaglia


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PRIMARY EXAMINER